

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Andrew Kuchera §
§
Plaintiff, §
§
vs. § Civil Action No. 1:18-cv-920
§
§
Daniel Goldstein, Cody Barbo, and §
Huge Legal Technology Company, Inc. d/b/a §
Trust & Will §
§
Defendants. §

**CO-DEFENDANTS DANIEL GOLDSTEIN AND CODY BARBO'S
NOTICE OF REMOVAL**

Co-Defendants Daniel Goldstein and Cody Barbo file this Notice of Removal, and pursuant to 28 U.S.C. §§ 1441(a) and 1332(a)(1) hereby remove the civil action identified herein to the United States District Court for the Western District of Texas. As grounds for removal, Goldstein and Barbo state as follows:

I. INTRODUCTION

1. The plaintiff in this matter is Andrew Kucera ("Plaintiff"); defendants are Daniel Goldstein ("Mr. Goldstein"), Cody Barbo ("Mr. Barbo"), and Huge Legal Technology Company, Inc. d/b/a Trust & Will ("Trust & Will").

2. On September 14, 2018, Plaintiff filed an Original Petition (the "Petition") styled as *Andrew Kuchera v. Daniel Goldstein, Cody Barbo, and Huge Legal Technology Company, Inc. d/b/a Trust & Will* in the 200th Judicial District of Travis County, Texas as Cause Number D-1-GN-18-005580 (the "State Court Action"). The Petition asserts three causes of action against Mr. Goldstein, Mr. Barbo and Trust & Will: breach of contract, conversion and, in the

alternative, quantum meruit. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Petition and Civil Cover Sheet is attached as Exhibits 1 and 2.

II. THE PARTIES

3. As set forth in the Petition, Plaintiff is an individual who is a resident of the State of Texas, residing in Travis County. Based upon information and belief, Plaintiff is also a citizen of the State of Texas.

4. Defendant Trust & Will is a Delaware corporation engaged in the business of online estate planning, with its principal place of business in San Diego, California.

5. Defendant Mr. Goldstein is a citizen of California.

6. Defendant Mr. Barbo is a citizen of California.

III. STATE COURT ACTION

7. Co-Defendants Mr. Barbo and Mr. Goldstein were served with a copy of the Petition on September 25, 2018. On October 22, 2018, Co-Defendants Mr. Barbo and Mr. Goldstein filed their Answer to the Petition. A true and correct copy of Mr. Barbo and Mr. Goldstein's Answer is attached as Exhibit 3.

8. On October 22, 2018, Trust & Will filed its Answer to the Petition. A true and correct copy of Trust & Will's Answer is attached as Exhibit 4.

9. No other documents have been filed in the State Court Action. Consequently, the documents attached as Exhibit 1 through Exhibit 4 compose all of the documents filed in the State Court Action.

10. The Notice of Removal is filed on behalf of Mr. Goldstein and Mr. Barbo within the 30-day time period prescribed by 28 U.S.C. § 1446(b)(1); *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

IV. REMOVAL IS PROPER BECAUSE THE COURT HAS JURISDICTION OVER THIS MATTER

11. Removal is proper because there is complete diversity between the parties and therefore the State Court Action could have originally been brought in federal court on that basis. *See*, 28 U.S.C. § 1332(a). More specifically:

- a. Plaintiff is a citizen of Texas;
- b. Trust & Will is a Delaware corporation, with its principal place of business in San Diego, California; and
- c. Defendants Mr. Goldstein and Mr. Barbo are citizens of California.

Additionally, the amount in controversy in the case exceeds \$75,000, exclusive of interest and costs. Plaintiff seeks “monetary relief of \$100,000 or less; or, in the alternative monetary relief over \$200,000 but not more than \$1,000,000.” Petition at ¶ 6. *See*, 28 U.S.C. § 1332(a).

12. Removal is timely because it was brought within 30 days after Co-Defendants Mr. Goldstein and Mr. Barbo were served with the lawsuit and could ascertain that it was removable. 28 U.S.C. § 1446(b).

13. Removal is proper because Trust & Will, the only other defendant, consents to the removal of the State Court Action to this federal court. § 1446(b)(2)(A). *See* Defendant Trust & Will’s Consent to Removal, attached as Exhibit 5.

V. JURY DEMAND

14. Plaintiff did not demand a jury in the State Court Action.

VI. CONCLUSION

15. Because there is complete diversity between the parties to the State Court Action, Co-Defendants Mr. Goldstein and Mr. Barbo respectfully remove this action from the 200th

Judicial District of Travis County, Texas to the United States District Court for the Western District of Texas.

Dated: October 25, 2018

Respectfully submitted,

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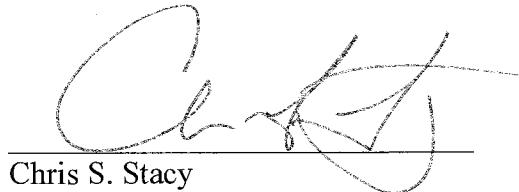
ATTORNEYS FOR CO-DEFENDANTS
DANIEL GOLDSTEIN AND CODY BARBO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on counsel of record in accordance with the Federal Rules of Civil Procedure, as indicated below, on this 25th day of October, 2018, as follows:

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